

Image RCE/1600

DEC 15 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Brown *et al.*

Application No. 09/117,218.

Filed: January 11, 1999

Confirmation No. 3436

For: TREATMENT OF NON-NEURONAL
CANCER USING HSV-1 VARIANTS

Examiner: Quang Nguyen, Ph.D.

Art Unit: 1636

Attorney Reference No. 6947-67206

CERTIFICATE OF MAILING

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: MAIL STOP RCE, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450 on the date shown below.

Attorney
for Applicant(s)

Tanya M. Harding, Ph.D.

Date Mailed December 10, 2003

MAIL STOP RCE
COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

**REQUEST FOR CONTINUED EXAMINATION
TRANSMITTAL LETTER**

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the application referenced above.

Enclosed are the following for submission required under 37 C.F.R. § 1.114:

☒ Amendment/Reply

12/16/2003 YPOLITE1 00000078 09117218

01 FC:1801

770.00 OP

FILING FEE

For	No. after amendment	No. paid for previously	Present Extra	Rate	Fee
Fee under 37 CFR 1.17(e)					\$770.00
Total Claims	5	- 45*	= 0	\$18.00	\$ 0.00
Indep. Claims	1	- 4**	= 0	\$86.00	\$ 0.00
Mult. Dep. Claims Fee (if not previously paid)				\$290.00	
One-month Extension of Time				\$110.00	
Two-month Extension of Time				\$420.00	
Three-month Extension of Time				\$950.00	\$950.00
TOTAL FILING FEE					\$1720.00

* greater of twenty or number for which fee has been paid.

** greater of three or number for which fee has been paid.

☒ Applicant petitions for an extension of time for the number of months indicated above. If an additional extension of time is required please consider this a petition therefor.

- ☒ A check in the amount of \$1,720.00 is attached.
- ☒ Please charge any additional fees that may be required in connection with filing this amendment and any extension of time, or credit any overpayment, to Deposit Account No. 02-4550. A copy of this sheet is enclosed.
- ☒ Please return the enclosed postcard to confirm that the items listed above have been received.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

By

Tanya M. Harding, Ph.D.
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Telephone: (503) 226-7391
Facsimile: (503) 228-9446

cc: Docketing



TMH:dv 12/10/03 JEC/LP570406
PATENT

Attorney Reference Number 6947-67206
Application Number 09/117,218

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Attorney
for Applicant(s)

Tanya M. Harding, Ph.D.

Date Mailed December 10, 2003

**AMENDMENT, AND RESPONSE
FILED WITH REQUEST FOR CONTINUED EXAMINATION (RCE)**

This is an Amendment and Response filed with a Request for Continued Examination, in response to the Final Office Action dated June 10, 2003 (Paper No. 24). A three-month period for reply was set, making a response due on or before September 10, 2003. A petition for a three-month extension of time for response accompanies this amendment, along with the appropriate fee, now making the response due on or before **December 10, 2003**. If the Commissioner determines that additional fees are necessary to file this response, deposit account authority is provided on the accompanying transmittal sheet. Please amend the referenced application as follows:

Amendments to the Claims are reflected in the listing of claims, which is on page 2 of this response.

Remarks begin on page 3 of this response.

A **Conclusion** is on page 8 of this response.

12/16/2003 YPOLITE1 00000078 09117218

02 FC:1253

950.00 OP